UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,012	10/21/2003	Gerrit Bleumer	P03,0338	4823

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KUCAB, JAMIE R

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/690,012	BLEUMER, GERRIT
	Examiner	Art Unit	
	Jamie Kucab	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 September 2007_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _3/1/04, 4/18/05, 4/28/06_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   Applicants' response filed September 20, 2007 is acknowledged.

2.   Claims 1-7 are pending in the application.

3.   This Office action is given Paper No. 20071130 for reference purposes only.

4.   Based on a comparison of the PGPub US 20040117314 A1 with Applicant's

originally submitted specification, the PGPub appears to be a fair and accurate record of

the Applicant's specification. Therefore, if necessary any references in this action to

Applicant's specification refer to paragraph numbers in the PGPub.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

7.   Regarding claim 2, it is not clear how the first and second signatures are

generated in the postal security device in the first step ("storing a ..."), and then in the

second step ("implementing at ..."), at least one of the first and second signatures is

also generated in what the Examiner is interpreting as a separate piece of hardware ("a

hardware unit outside of and in communication with said postal security device"). For

purposes of examination, the Examiner interprets there to be a first signature and a

second signature, wherein the first signature is generated in the postal security device

and the second signature is generated in the hardware unit. Appropriate clarification

and/or correction is required.

8.   Further regarding claim 2, it is not clear how it is possible to store a program in

read-only memory. Appropriate clarification and/or correction is required.

9.   Regarding claim 6, Applicant's recitation "said postal security device" lacks

antecedent basis. A "postal security device" is introduced in claim 2, however, claim 6

does not depend from claim 2. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-7, as understood by the Examiner, are rejected under 35 U.S.C. 102(b)

as being anticipated by Heiden et al. (6,438,530 hereinafter Heiden).

12.   Regarding claim 1, Heiden discloses all the elements of the claimed invention

including the steps of:

- for cryptographically securing a communication for a first purpose,

  using a first signature (postage stamps digital signature, C9 L43 - C10 L6);

- for cryptographically securing a communication for a second purpose,

  using a second signature (second digital signature, C9 L43 - C10 L6); and

- using a cryptographic algorithm of a first type to generate said first signature and

  using a cryptographic algorithm of a second type to generate said second

  signature (C4 L6-21, C9 L43 - C10 L6).

13.   Regarding claim 2, Heiden further discloses:

- storing a program in a read only memory (read-only software module) of a postal

  security device (PC) for implementing the respective cryptographic algorithms for

  generating said first and second signatures (Fig. 1, C4 L6-L21, C4 L46 - C5 L8,

  C5 L40 - C7 L64); and

- implementing at least one of the cryptographic algorithms for generating at least

  one of the first and second signatures in a hardware unit (remote data center 40

  in Fig. 1, C5 L40 - C6 L56) outside of and in communication with said postal

  security device (through a local or network modem / internet 30 connection, C5

  L40-58).

14.   Regarding claim 3, Heiden further discloses implementing the respective

cryptographic algorithms to generate said first and second signatures in respective,

separate logic modules, and generating the first and second signatures in the respective

logic modules under control of a program (Fig. 2, C5 L40 - C6 L56).

15.   Regarding claim 4, Heiden further discloses:

- storing a plurality of signing algorithms and hash algorithms (user information

   that identifies the request and the PC, data center server information and a digital

   signature of at least some of the user, stamp and/or server information) in a read

   only memory (read only software module) of a postal security device (C5 L59 -

   C6 L40); and

- in a logic module having access to said read only memory, implementing at least

   one of said signing algorithms and hash algorithms as a cryptographic algorithm

   for generating one of said first and second signatures, dependent on whether the

   communication is for said first purpose or said second purpose (Fig. 1, C4 L6-

   L21, C4 L46 - C5 L8, C5 L40 - C7 L64).

16.   Regarding claim 5, Heiden further discloses implementing said at least one of

said signing algorithms and hash algorithms exclusively in said logic module alone (runs

only on the PC, C4 L6-21).

17.   Regarding claims 6 and 7, Heiden further discloses storing an implementation

program in said postal security device (PC) / said host device (which includes the PC)

and implementing said at least one of said signing algorithms and hash algorithms in

said logic module using said implementation program (Fig. 1, C4 L6-L21, C4 L46 - C5

L8, C5 L40 - C7 L64).

Examiner Note

18.   The Examiner has cited particular columns and line numbers in the references as

applied to the claims above for the convenience of the Applicant. Although the specified

citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may be applied as

well. It is respectfully requested from the Applicant, in preparing responses, to fully

consider the reference in its entirety as potentially teaching all or part of the claimed

invention as well as the context of the passage as taught by the prior art or disclosed by

the Examiner.

Claim Interpretation

19.   Functional recitation(s) using the word "for" or other functional terms (*e.g.* "for

cryptographically securing a communication for a first purpose" as recited in claim 1 and

"for generating one of said first and second signatures, dependent on whether the

communication is for said first purpose or said second purpose" in claim 4) have been

considered but given less patentable weight[1] because they fail to add any steps and are thereby regarded as intended use language. To be especially clear, the Examiner has considered all claim limitations. However the recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

Conclusion

20.   References considered pertinent to Applicant's disclosure are listed on form PTO-892. All references listed on form PTO-892 are cited in their entirety.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Kucab whose telephone number is 571-270-3025. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm EST.

22.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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[1] See *e.g. In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight).

23.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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